

103D CONGRESS
1ST SESSION

H. R. 187

To establish the American Samoa Study Commission.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 1993

Mr. FALEOMAVAEGA introduced the following bill; which was referred to the
Committee on Natural Resources

A BILL

To establish the American Samoa Study Commission.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “American Samoa
5 Study Commission Act”.

6 **SEC. 2. CONGRESSIONAL FINDINGS.**

7 The Congress finds that—

8 (1) the islands of Tutuila and Manua, and cer-
9 tain other islands that compose American Samoa,
10 were ceded by the chiefs of the islands to the United
11 States by 2 treaties ratified on April 10, 1900, and
12 July 16, 1904;

1 (2) American Samoa's status as an unorganized
2 and unincorporated territory of the United States,
3 and American Samoa's political relationship to the
4 United States, are not clearly defined in any single
5 document;

6 (3) there is a need for a comprehensive study
7 and review of the historical and legal bases of Amer-
8 ican Samoa's status and political relationship with
9 the United States, including—

10 (A) a determination of American Samoa's
11 present political relationship with the United
12 States compared to other relationships such as
13 commonwealth, free association, and covenant;
14 and

15 (B) an examination of whether the treaties
16 of cession created trust obligations to American
17 Samoa on the part of the United States; and

18 (4) the economic and social needs of American
19 Samoa are substantially affected by the nature of
20 American Samoa's political status and relationship
21 with the United States.

22 (5) The need for a comprehensive study also of
23 Swains Island.

1 **SEC. 3. ESTABLISHMENT.**

2 There is established a commission to be known as the
3 “American Samoa Study Commission”.

4 **SEC. 4. DUTIES.**

5 (a) IN GENERAL.—It shall be the duty of the Com-
6 mission—

7 (1) to study and evaluate all factors that led to
8 American Samoa’s historical and present political
9 status and relationship with the United States, in-
10 cluding—

11 (A) the events that led to the cession to
12 the United States of the islands that compose
13 American Samoa; and

14 (B) the constitutions, statutes, treaties,
15 and agreements that affect American Samoa’s
16 political status and relationship with the United
17 States;

18 (2) to determine the nature of American Sa-
19 moa’s political status and relationship with the Unit-
20 ed States compared to relationships such as com-
21 monwealth, free association, and covenant, and the
22 extent to which the treaties of cession created trust
23 obligations to American Samoa on the part of the
24 United States;

1 (3) to determine whether a single document is
2 needed to set forth American Samoa's political sta-
3 tus and relationship with the United States; and

4 (4) to study and evaluate the impact of Amer-
5 ican Samoa's political status and relationship with
6 the United States (as determined by the Commission
7 under paragraph (2)) on the economic and social
8 needs of American Samoa and its residents.

9 (b) CONSULTATION.—The Commission shall, to the
10 maximum extent practicable, consult with American
11 Samoans in carrying out the duties of the Commission
12 under subsection (a).

13 **SEC. 5. MEMBERSHIP.**

14 (a) NUMBER AND APPOINTMENT.—The Commission
15 shall be composed of 5 members appointed as follows:

16 (1) 3 members appointed by the Secretary of
17 the Interior, including—

18 (A) 1 member appointed from among indi-
19 viduals recommended by the Governor of Amer-
20 ican Samoa; and

21 (B) 1 member appointed from among indi-
22 viduals recommended by the legislature of the
23 Territorial government of American Samoa.

24 (2) 1 member appointed by the Speaker of the
25 House of Representatives.

1 (3) 1 member appointed by the President of the
2 Senate.

3 (b) TERMS.—Each member shall be appointed for the
4 life of the Commission.

5 (c) BASIC PAY.—

6 (1) RATES OF PAY.—Except as provided in
7 paragraph (2), each member of the Commission
8 shall be paid, to the extent of amounts made avail-
9 able in appropriation Acts, \$150 for each day (in-
10 cluding travel time) during which the member is en-
11 gaged in the actual performance of the duties of the
12 Commission.

13 (2) PROHIBITION OF COMPENSATION OF FED-
14 ERAL EMPLOYEES.—Except as provided in sub-
15 section (d), members of the Commission who are
16 full-time officers or employees of the United States
17 or the Territorial government of American Samoa
18 may not receive additional pay, allowances, or bene-
19 fits by reason of their service on the Commission.

20 (d) TRAVEL EXPENSES.—Each member shall receive
21 travel expenses, including per diem in lieu of subsistence,
22 in accordance with sections 5702 and 5703 of title 5,
23 United States Code.

1 (e) QUORUM.—3 members of the Commission shall
2 constitute a quorum, but a lesser number may hold hear-
3 ings.

4 (f) CHAIRPERSON; VICE CHAIRPERSON.—The Chair-
5 person and Vice Chairperson of the Commission shall be
6 elected by the members.

7 (g) MEETINGS.—

8 (1) INITIAL MEETING.—Not later than the expi-
9 ration of the 90-day period beginning on the date of
10 the enactment of this Act, the Secretary of the Inte-
11 rior shall call the initial meeting of the members of
12 the Commission.

13 (2) SUBSEQUENT MEETINGS.—The Chairperson
14 or a majority of the members of the Commission
15 shall call any meeting of the Commission that occurs
16 after the meeting called under paragraph (1).

17 **SEC. 6. STAFF AND SUPPORT SERVICES.**

18 (a) DIRECTOR.—The Commission shall have a Direc-
19 tor, who shall be appointed by the Commission.

20 (b) STAFF.—Subject to rules prescribed by the Com-
21 mission, the Chairperson of the Commission may appoint
22 and fix the pay of personnel as the Chairperson considers
23 appropriate.

24 (c) APPLICABILITY OF CERTAIN CIVIL SERVICE
25 LAWS.—The Director and staff of the Commission may

1 be appointed without regard to the provisions of title 5,
2 United States Code, governing appointments in the com-
3 petitive service, and may be paid without regard to the
4 provisions of chapter 51 and subchapter III of chapter 53
5 of such title relating to classification and General Schedule
6 pay rates, except that an individual so appointed may not
7 receive pay in excess of the maximum rate of basic pay
8 payable for GS-16 of the General Schedule.

9 (d) EXPERTS AND CONSULTANTS.—Subject to rules
10 prescribed by the Commission, the Chairperson of the
11 Commission may procure temporary and intermittent
12 services under section 3109(b) of title 5, United States
13 Code, but at rates for individuals not to exceed \$150 per
14 day.

15 (e) ADMINISTRATIVE SUPPORT SERVICES.—Upon
16 the request of the Commission, the Administrator of Gen-
17 eral Services shall provide to the Commission, on a reim-
18 bursable basis, the administrative support services nec-
19 essary for the Commission to carry out its responsibilities
20 under this Act.

21 **SEC. 7. POWERS OF COMMISSION.**

22 (a) HEARINGS.—

23 (1) IN GENERAL.—The Commission may, for
24 the purpose of carrying out this Act, hold hearings,
25 sit and act at times and locations, take testimony,

1 and receive evidence as the Commission considers
2 appropriate.

3 (2) LOCATION OF CERTAIN HEARINGS.—

4 (A) REQUIRED HEARINGS.—The Commis-
5 sion shall conduct at least 1 hearing at any lo-
6 cation on each of—

7 (i) Tutuila;

8 (ii) Ofu;

9 (iii) Olosega; and

10 (iv) Tau.

11 (B) OTHER HEARINGS.—The Commission
12 may conduct at least 3 separate hearings in the
13 United States at locations where significant
14 numbers of American Samoans reside.

15 (3) NOTICE.—The Commission shall provide
16 notice to the public of the hearings referred to in
17 paragraphs (1) and (2), including information re-
18 garding the date, location, and topic of each meet-
19 ing, and shall take other actions as the Commission
20 considers necessary to obtain, to the maximum ex-
21 tent practicable, public participation in the hearings.

22 (b) DELEGATION OF AUTHORITY.—Any member or
23 agent of the Commission may, if authorized by the Com-
24 mission, take any action that the Commission is author-
25 ized to take by this Act.

1 (c) OBTAINING OFFICIAL DATA.—

2 (1) IN GENERAL.—The Commission may secure
3 directly from any Federal agency information nec-
4 essary to enable it to carry out this Act. Upon re-
5 quest of the Chairperson or Vice Chairperson of the
6 Commission, the head of the Federal agency shall
7 furnish the information to the Commission.

8 (2) EXCEPTION.—Paragraph (1) shall not
9 apply to any information that the Commission is
10 prohibited to secure or request by another law.

11 (d) MAILS.—The Commission may use the United
12 States mails in the same manner and under the same con-
13 ditions as other Federal agencies.

14 **SEC. 8. REPORTS.**

15 (a) DRAFT REPORT.—

16 (1) IN GENERAL.—Not later than the expira-
17 tion of the 1-year period beginning on the date of
18 the enactment of this Act, the Commission shall pre-
19 pare and publish a draft report containing the find-
20 ings, conclusions, and recommendations of the Com-
21 mission.

22 (2) DISTRIBUTION.—The Commission shall dis-
23 tribute such report to appropriate Federal and
24 American Samoan agencies and shall make such re-

1 port available to members of the public upon re-
2 quest.

3 (3) SOLICITATION OF COMMENTS.—The Com-
4 mission shall solicit written comments from the Fed-
5 eral and American Samoan agencies and other per-
6 sons to which copies of such report are distributed
7 under paragraph (2).

8 (b) FINAL REPORT.—Not later than the expiration
9 of the 9-month period beginning on the date of the publi-
10 cation of the report required by subsection (a)(1), the
11 Commission shall submit to the President and the Con-
12 gress a final report, which shall include—

13 (1) a detailed statement of the findings and
14 conclusions made by the Commission after consider-
15 ation of the comments received by the Commission
16 under subsection (a)(3);

17 (2) the recommendations of the Commission for
18 legislative and administrative actions that the Com-
19 mission determines to be appropriate; and

20 (3) copies of all written comments received by
21 the Commission under subsection (a)(3).

22 **SEC. 9. DEFINITIONS.**

23 For purposes of this Act:

24 (1) The term “American Samoan” has the
25 meaning given the term “native American Samoan”

1 in section 4 of Public Law 100–571 (16 U.S.C.
2 410qq–3).

3 (2) The term “Commission” means the Amer-
4 ican Samoa Study Commission established in section
5 3.

6 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

7 There is authorized to be appropriated \$200,000 to
8 carry out this Act.

9 **SEC. 11. TERMINATION.**

10 The Commission shall terminate not later than the
11 expiration of the 60-day period beginning on the date on
12 which the Commission submits its final report under sec-
13 tion 8.

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